

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANGELA MARIE McPHEE,

Case No. 12-cv-13931

Plaintiff,

HON. GEORGE CARAM STEEH

vs.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

ORDER ACCEPTING REPORT AND RECOMMENDATION (DOC. #18),  
GRANTING IN PART PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT (DOC. #12), DENYING IN PART DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT (DOC. #17), REVERSING IN PART THE FINDINGS  
OF THE COMMISSIONER, AND REMANDING FOR FURTHER PROCEEDINGS

On September 5, 2012, plaintiff filed a complaint for judicial review of a decision by the Commissioner of Social Security denying plaintiff's application for benefits. The matter was referred to Magistrate Judge Hluchaniuk. The parties filed cross-motions for summary judgment. On May 23, 2013, Magistrate Judge Hluchaniuk issued a report and recommendation on the cross-motions for summary judgment (Doc. #18). In his report, Magistrate Judge Hluchaniuk recommends plaintiff's motion for summary judgment be granted in part, defendant's motion for summary judgment be denied in part, the findings of the Commissioner reversed in part, and that this matter be remanded to the ALJ for further proceedings.

As specified in his report and recommendation, Magistrate Judge Hluchaniuk indicates that on remand the ALJ must consider and indicate the amount of weight it gives to the State of Michigan's disability determination. Under similar facts, other courts in our

district have remanded cases for the ALJ to consider state determinations of disability. Burrows v. Comm'r of Soc. Sec., 2012 WL 5411113 at \*12 (E.D. Mich. Nov. 6, 2012); King v. Comm'r of Soc. Sec., 779 F. Supp. 2d 721, 726 (E.D. Mich. 2011). The magistrate judge also recommends that the ALJ receive and consider evidence of the step-three equivalence of plaintiff's injuries from a medical expert, as a part of evaluating plaintiff's application for benefits. See Harris v. Comm'r of Soc. Sec., 2013 WL 1192301 at \*8 (E.D. Mich. Mar. 22, 2013); Maynard v. Comm'r of Soc. Sec., 2012 WL 5471150 at \*6 (E.D. Mich. Nov. 9, 2012).

The magistrate judge specifically stated that any objections to his report must be filed within 14 days of service, and that failure to file such objections constituted a waiver of any further right of appeal. See Thomas v. Arn, 474 U.S. 140, 155 (1985). No such objections were filed by either party.

This Court hereby adopts Magistrate Judge Hluchaniuk's well-reasoned May 23, 2013 report and recommendation. Plaintiff's motion for summary judgment is **GRANTED IN PART**, defendant's motion for summary judgment is **DENIED IN PART**, the findings of the Commissioner are **REVERSED IN PART**, and this matter is **REMANDED** for further proceedings consistent with Magistrate Judge Hluchaniuk's May 23, 2013 report and recommendation.

**IT IS SO ORDERED.**

Dated: June 25, 2013

s/George Caram Steeh  
 GEORGE CARAM STEEH  
 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 25, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
 Deputy Clerk